

BEFORE THE  
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF: )  
)  
ILLINOIS COMMERCE COMMISSION )  
OF ITS OWN MOTION, )  
)  
Complainant, )  
)  
vs. ) No. 04-0164  
)  
MANK, LTD. )  
)  
Respondent. )  
)  
Citation to show case for )  
continued QSWEF Certification )  
of CDT landfill facility. )

Chicago, Illinois  
October 28th, 2004

Met, pursuant to notice, at 1:00 p.m.

BEFORE:

Claudia E. Sainsot, Administrative Law Judge

APPEARANCES:

MR. JOHN REICHART  
160 North LaSalle, Suite C-800  
Chicago, Illinois 60601  
(312) 793-3241  
for ICC Staff;

MR. MICHAEL S. PABIAN  
10 South Dearborn Street, 35th Floor  
Chicago, Illinois 60603  
(312) 394-5831  
for ComEd;

1 APPEARANCES CONT'D:

2

GOULD AND RATNER, by  
3 MR. LOUIS D. BERNSTEIN  
222 North LaSalle Street, Suite 800  
4 Chicago, Illinois 60601  
(312) 899-1667  
5 for Le Petomane, VI, and KMS Joliet, II, Inc.

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21 SULLIVAN REPORTING COMPANY, by  
Amy M. Aust, CSR  
22 License No. 084-004559

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I N D E X

			Re-	Re-	By
<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>direct</u>	<u>cross</u>	<u>Examiner</u>

None.

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
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None so marked.

1 JUDGE SAINOT: Okay. By the authority vested  
2 in me by the Illinois Commerce Commission, I now call  
3 Docket No. 04-0164. It is a matter of the Illinois  
4 Commerce Commission on its own motion versus MANK,  
5 Limited. It is a citation to show cause for  
6 continued QSWEF certification of CDT landfill  
7 facility. And QSWEF is K-U-W- -- excuse me,  
8 K(sic)-S-W-E-F.

9 Will the parties identify themselves  
10 for the record, please.

11 MR. REICHART: Appearing on behalf of the Staff  
12 of the Illinois Commerce Commission, John Reichart  
13 and Carla Scarsella. Our address is 160 North  
14 LaSalle, Chicago, Illinois 60601.

15 MR. PABIAN: For Intervenor, ComEd,  
16 Michael S. Pabian, P-a-b-i-a-n, 10 South Dearborn  
17 Street, the 35th floor, Chicago, Illinois 60603.

18 MR. BERNSTEIN: On behalf of Le Petomane,  
19 L-e P-e-t-o-m-a-n-e, comma, 6 -- Roman numeral six,  
20 Inc., not individually but solely as the duly  
21 appointed receiver for KMS Joliet, Roman numeral two,  
22 Inc. I'm at Gould & Ratner, G-o-u-l-d and Ratner,

1 R-a-t-n-e-r, 222 North LaSalle Street, Suite 800,  
2 Chicago 60601. I'm not sure if I put my name on  
3 there or not. It's Luis Bernstein,  
4 B-e-r-n-s-t-e-i-n.

5 JUDGE SAINSOT: Okay. For the record, Staff  
6 filed about a week ago a motion to revoke the  
7 certification of MANK, Limited. And just for the  
8 record because the parties don't intend to file a  
9 formal response, I think it's -- and they're here, I  
10 think their attorneys can espouse whatever position  
11 that needs to be set forth.

12 MR. PABIAN: Right. Your Honor, on behalf of  
13 the Commonwealth Edison, we have no objection to the  
14 motion.

15 JUDGE SAINSOT: Mr. Bernstein?

16 MR. BERNSTEIN: On behalf of the Receiver, we  
17 also have no objection to the motion with the caveat  
18 that this proceeding is strictly to revoke the QSWEF  
19 status and there is no request nor will it be  
20 contemplated that any money judges be entered against  
21 any parties. With that caveat, we have no objection.

22 JUDGE SAINSOT: Okay. That being the case, I

1 will issue an order granting the motion to revoke  
2 certification in the next few weeks.

3 I've looked the order over -- I mean,  
4 the motion over. And the record should be marked  
5 heard and taken.

6 Is there anything left to do that  
7 I'm -- that has escaped me?

8 MR. BERNSTEIN: None that I'm aware of.

9 MR. PABIAN: No.

10 MR. REICHART: We'll attempt to verify the  
11 information you asked about before and just get back  
12 to you on that.

13 JUDGE SAINSOT: Okay. All right. Just so you  
14 know, Mr. Bernstein, I just wanted to make sure that  
15 there was something on file that showing that MANK  
16 was actually served, albeit through the Secretary of  
17 State's Office. Okay. Thanks.

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20 Heard and Taken.

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